

PATENT
Attorney Docket 78900 (5527)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Moshe Konstantin) **CONFIRMATION NO. 7579**
)
Appln. No.: 10/607,748)
) This Declaration Under 37 C.F.R. §1.132
Filed: June 27, 2003) was electronically filed on November 3,
For: LIGHT TRANSMISSION) 2006 using the U.S. Patent and Trademark
PANELS, RETAINING CLIP) Office's EFS Web
AND A COMBINATION)
THEREOF)
Group)
Art Unit: 3637)
)
Examiner: Phi Dieu Tran A

Declaration Under 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

I, Moshe Konstantin, am the inventor of U.S. Patent Application No. 10/607,748 filed on June 27, 2003, and I hereby declare that:

1. I am President of CPI Daylighting which is a leading manufacturer and distributor of glazing panel systems as disclosed in my prior U.S. Patent No. 6,164,024 and in this patent application.

2. I have had twenty-five (25) years experience in the glazing panel system business including the design, manufacture and sales of glazing panel systems in the United States and other countries.

3. I personally have distributed and attempted to sell glazing panel systems made in accordance with the disclosure in Bezner, U.S. Patent No. 4,998,395, hereinafter "Bezner glazing panel system."

4. The Bezner glazing panel system failed as a roof glazing panel system and I stopped my distribution effort of this system because:

a) The connector, joining member 18 in Figure 3 of the Bezner '395 Patent was very difficult to install because the two male, depending rail portions 24 on the joining member were trying to deflect the two joining projections 10 but because these two projections were in back-to-back engagement with one another at their outside surfaces 14, as described in Column 2, Lines 32-34; and because of joining projections 12 they could not deflect in the desired manner;

b) They leaked water in some applications under high wind loads due to water flowing over the low height, outer upstanding seam flange and through the crack between adjacent internal seam flanges because the outer seam flange was not high enough. The concept of the Bezner '395 patent and glazing panel system was to reduce the overall height of the glazing panel system in order to reduce shipping costs; and

c) The connectors joining member 18 could not provide resistance to retain panels under high uplift loads.

5. Based on information and belief, the Bezner glazing panel system was removed from the market because of its failures in performance.

6. From my personal knowledge, I know that Bezner glazing panel system was better suited for use as a vertical window than as a roof glazing panel system because it

lacked sufficient strength to resist uplift loads from high velocity winds passing over the top thereof.

7. I have never used a Bezner glazing panel system having a metal clip installed between adjacent its adjacent glazing panels.

8. From my personal knowledge of the Bezner glazing panel system, I know that a metal retention clip could not easily be installed between the adjacent glazing panels because there was no room or space provided between the panel end surfaces 14 for such a retention clip.

9. The Bezner glazing panel system was directed to solve the problem of high shipping costs in containers due to the high stack height of a stack of prior glazing panels and it was not directed to the solving of the problem of high uplift wind loads causing a hinging and release of the glazing panels under very high uplift wind loads.

10. Based on my analysis and experience, it is my opinion that the Bezner glazing panel system could not pass the standards described in this application on Pages 3 and 4. The glazing panel system disclosed in this application does pass those standards.

11. I have reviewed my prior U.S. Patent No, 6,164,024 and it does not disclose an internal connector that covers the retention clip and assists this retention clip in retention of the glazing panels; and it does not disclose the combination of an internal connector covered by an outer connector.

12. With respect to the Bezner glazing panel system, it is designed with an external connector 18 having a standard male-female interlock; i.e., the male portions 22 are each designed to fill completely a female opening portion which is defined between a respective pair of upstanding projections 10, 12. There is no good space, i.e., no room available for any additional retention clip or internal connector in this standard male-female interlock in the Bezner glazing panel system.

13. With respect to the pending claims that recite that the height of the inner seam flanges is shorter than the height of the outer seam flanges, the Bezner glazing panel system has two short inner and outer seam flanges of identical height to reduce its overall stack height; and this system experienced performance problems due to the short outside seam flange. Neither the Bezner nor my '024 patent disclose a pair of shorter seam flanges in combination with a pair of higher outer seam flanges on a glazing panel, as set forth in some of the pending claims.

14. With respect to Claim 14, as a man skilled in the art I declare that neither the Bezner patent nor my '024 Patent disclose a retention clip for retentively engaging the respective inner seam flanges at locations lower than the top ends of the outer seam flanges. Neither the Bezner patent nor my '024 Patent discuss the solving of the hinging problem by retentatively engaging the inner seam flanges at this lower location. Indeed, the '024 Patent lacks a pair of inner and outer seam flanges; and the Bezner patent lacks any clip and the Bezner patent lacks the combination of an internal and external connector.

15. That as a man skilled in the art, the Bezner and '024 Patents each lacks any internal connector much less an internal connector having a substantially U-shape.

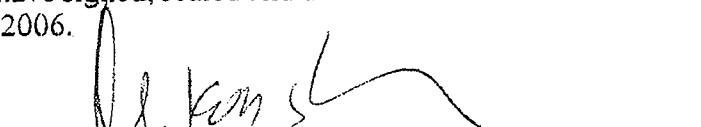
16. Based on my analysis and experience, it is my opinion that neither my '024 Patent nor the Bezner '395 Patent, taken alone or in combination, disclose the combination of a retention clip, an internal connector, and an outer connector to retain glazing panels against very high uplift loads in the manner claimed in this patent application, and that these patents do not disclose the glazing panel being claimed in this patent application.

17. Neither the '024 Patent nor the Bezner Patent disclose that by using two connectors, viz. an internal and external connector, rather than a single external connector that each of the respective connectors may be made differently with respect to strength and flexibility matched to each of their respective primary functions. That is, the external connector has greater flexibility for the weatherproofing primary function, and the internal connector has greater strength for the panel retention primary function.

18. The undersigned further declares that all statements made herein of his own knowledge are true and that all of the statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that false statements and the like are so made and are punishable by fine or imprisonment or both, under 18 U.S.C. §1001 and may jeopardize the validity of any resulting patent.

FURTHER DECLARNT SAYETH NOT

IN WITNESS WHEREOF, I have signed, sealed and delivered this instrument this 2 day of MARCH, 2006.


Moshe Konstantin